

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

NOT FOR ELECTRONIC OR
PRINT PUBLICATION

DHF

ANDRES BRYAN,

Plaintiff,

-against-

A.D.A ADRIENNE LLOYD, GEOVANA
REYES; DELIA SANTIAGO; TATYANA
PICO; DENICE VIVA; A.D.A. OLIVIA
ROSARIO,

Defendants.

AMENDED MEMORANDUM
AND ORDER
07-CV-1625 (ARR)

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT, E.D.N.Y.

★ JUL 25 2007 ★

BROOKLYN OFFICE

ROSS, United States District Judge:

On April 18, 2007, plaintiff filed this action *pro se* pursuant to 42 U.S.C. § 1983 alleging malicious prosecution. By Order dated May 17, 2007, the Court (1) dismissed the City of New York as a defendant; (2) directed plaintiff to file an amended *in forma pauperis* application clarifying his financial resources; and (3) granted plaintiff leave to file an amended complaint. Plaintiff's June 7, 2007 submission of an amended complaint and an amended request to proceed *in forma pauperis* did not cure all of the deficiencies of the complaint. By Order dated June 20, 2007, the Court (1) denied *in forma pauperis* status;¹ (2) directed plaintiff to submit the \$350 filing fee and (3) directed plaintiff to submit a Second Amended Complaint naming defendants in the caption within twenty (20) days of the Order. On July 5, 2007, plaintiff submitted a Second Amended Complaint complying with the Court's Order, but he has not paid the filing fee. Given plaintiff's *pro se* status, plaintiff is afforded an additional, but FINAL, twenty days from the date

¹Plaintiff's amended *in forma pauperis* application indicates that he had twenty-five thousand dollars in financial resources.

of this Order to pay the filing fee of \$350 to the Clerk of Court of the Eastern District of New York. Upon payment of the filing fee, the Clerk of Court shall prepare a summons for service of process by plaintiff. If plaintiff fails to submit the filing fee within the time allowed, the action shall be dismissed without prejudice.² The Court certifies pursuant to 28 U.S.C. §1915(a)(3) that any appeal from this order would not be taken in good faith and therefore *in forma pauperis* status is denied for purpose of an appeal. Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: Brooklyn, New York
July 25, 2007

/S/

Allyne R. Ross
United States District Judge

²Plaintiff is reminded that there is a three-year statute of limitations applicable to § 1983 claims based on malicious prosecution which begins to run when the underlying action is conclusively terminated, here November 9, 2004. Murphy v. Lynn, 53 F.3d 547, 548 (2d Cir. 1995); McEachin v. City of New York, No. 03-CV-6421, 2007 WL 952065, at *3 (E.D.N.Y. Mar. 29, 2007).

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